

(ORIGINAL)

JJ

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF ILLINOISBOBBY LEE HARRISON
Plaintiff

VS

COUNTY OF COOK, ILLINOIS, et al.
defendantJudge name: Matthew F. KennellyCase no: 08C0920

FILED

JUL 24 2008

MB

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTMOTION FOR AN EXTENSION OF TIME

The plaintiff Bobby Lee Harrison, prase. move this Honorable Court for an extension of time. In Support of his motion. Plaintiff States:

(1) for the last 2 months the (ARA MARK) Commissary has not had any INK pens available for purchase.

(2) ~~Upon~~ Information on belief (ARA MARK) is in the process of ending their Contract with the County is why they haven't restocked their Commissary with pens.

(3) Nevertheless, there's isn't any notice posted informing detainees of any temporary accommodations.

(4) Without pens I Can not meet the July 17 deadline to Amended my Complaint. Pens is the only element that I will be able to use to Amended my Complaint. Pencils is Contraband and I have no experriencing with typing or Computers.

(5) The Plaintiff feel that he have an meritorious Claim and can prove it if he is allowed the 30 days extension.

WHEREFORE: plaintiff prays that the Court will see the need for the 30 days extension and grant his Motion.

Notarized under and by 735 ILCS
5/1-109 under penalty of perjury
this ~~Tenth~~ day of ~~July~~ July 2008
Bobby Lee Harrison
Signature

Bobby Lee Harrison
Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

BOBBY LEE HARRISON
Plaintiff

AFFIDAVIT

Judge MATTHEW P. KENNEDY

COUNTY OF COOK, ILLINOIS et al
defendant

Case no. 08L0920

Being Duly Sworn under Oath Bobby Lee Harrison, 20040072892 Affiants herein witnessed that I Mail a motion for an extension of time Case number 08L0920 to the U.S. District Court for the Northern District of Illinois On July 10, 2008 from the Cook County Department of Corrections located at 26 & California Ave., Chicago, Illinois 60608. Thus that same legal Mail returned back to me On July 17, 2008 Said on the label (Postage due tour 3 return for postage Stamps Void when Coated, Covered, defaced or reused.)

I have included a Copy of that envelope for proof. Thus I also witnessed to 4 to 5 more incidents when Legal Mails addressed to the District Court 219 South Dearborn Street, Chicago Illinois 60608 returned back to me during the Month of June & July 2008, which lead me to think that it may be an error in the Mails processing. Therefore, it's out of my Control. Also upon information and belief the County may be interfering with the mails.

The Cook County have a new Commissary Contract with Keefe, and pens wasn't made available to me until July 17, 2008. Because of this unreasonable restricted and the new evidence in my motion and Affidavit that this Court will take it in consideration (Exhibits entered as A-B-C is evident to prove my allegations, which is attached to the back of this Affidavit)

(A) Detainees who do know how to types charged Commissary Items for their services And I doesn't have the funds to employ their services.

(B) I have filed several grievances pertaining to these unreasonable restrictions stated in my motion and Affidavit and they have not did anything to address these violations.

WHEREFORE, the plaintiff prays that this Court will accommodate him in this matter and grant his request.

Bobby Lee Harrison
Affiants Signature

(Note) The Mail Clerk would not give me a copy of the returned envelope.

Notarized under and by 735 ILCS

5/1-109 under penalty of perjury

SUBSCRIBED AND SWORN BEFORE ME

THIS 21th DAY OF July 2008

Bobby Lee Harrison
Signature

TOMAS DART
• 26 & California Ave
Cook County Jail
• Chicago, Illinois

Bobby Lee Harrison
2004 007 2892
Piv 10 1-A
P.O. Box 089002
Chicago, Illinois 60608.

June 7, 2008

A

Dear Thomas, DART,

or to whomever this letter may concern. I Bobby ~~LEE~~ Harrison, is writing this letter pertaining to ARAMARK Commissary for not providing ink pens on their Commissary.

However, for the last passed six weeks there has not been any ink pens available for purchase, which states as being restricted. There isn't any notice posted informing us of any temporary accommodations. I am a civil & prose litigant and without this important element will results in being denied access to the Courts. Please prompt response from the Administration is anticipated by the detainees here in the Dept of Corrections.

Respectfully Submitted on this 7th day of
June 2008 Bobby Lee Harrison
Signature

B

Referred To: _____

☐ Processed as a request.

COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE GRIEVANCE

Bobby Lee Harrison 2004 0072892

Detainee Last Name: GROUP GRIEVANCE First Name: GROUP GRIEVANCEID #: - - Div.: 10 Living Unit: 1-A Date: 6 / 15 / 08BRIEF SUMMARY OF THE COMPLAINT: "THROUGHOUT THE MONTH OF MAY, AND

BEGINNING AT THE VERY END OF APRIL, EVEN UP UNTIL THIS PRESENT DAY
OF JUNE 15, 2008," THE COMMISSARY (ARAMARK) HAS NOT BEEN ALLOWING THE
DETAINEES TO PURCHASE PENS FOR WRITING PURPOSES, EACH TIME WE INITIALLY
MARK OUR COMMISSARY ORDER SHEETS FOR US TO RECEIVE (INK PENS) ON EACH
OCCASION ARAMARK HAVE DISPLAYED THE LETTER (R) MEANING IN AN OBVIOUS
SENSE THAT THE PARTICULAR ITEM HAS BEEN RESTRICTED. "SEVERAL TIMES WE
HAVE SPOKEN TO DIFFERENT OFFICIALS. FURTHERMORE WE MADE AN ATTEMPT TO SPEAK
TO SOMEONE OF HIGHER AUTHORITY, SO THAT OUR ANTICIPATION TO HAVE THE SITUATION
RESOLVED WOULD BE ADDRESSED AS SOON AS POSSIBLE. THE FIRST ATTENDING
OFFICIAL INFORMED WAS THE SUPERINTENDENT OF (DIVISION 10) ALONG WITH CHIEF
"PLAXICO." ON BEHALF OF THE COMPLAINT THE SUPERINTENDENT'S RESPONSE HE GAVE
MENTIONED THAT HIS ATTEMPT TO RESOLVE THE COMPLAINT OR TO FIND OUT ABOUT
THE DISTRIBUTION OF INK PENS THAT DETAINEES ORDER OFF THE COMMISSARY, HAS
SINCE REMAINED FUTILE." HE MENTIONED THAT THEIR RESPONSE WAS SUDDEN, BECAUSE
THEY CLAIMED THAT THEY WERE NOT POSTING RESTRICTIONS ON INK PENS....
THERE HAS BEEN NO WORD YET, NOR ANY BULLETIN'S POSTED FOR OBSERVATION. BY MAKING
US AWARE THAT THE ISSUE IS, OR HAS BEEN ADDRESSED; SINCE IT WAS BRUNG
TO THE ATTENTION OF PLAXICO, THE SUPERINTENDENT, AND OTHER LAITY WITHIN THE
ADMINISTRATION, DETAINEES HAVE BEEN SORELY HINDERED FROM COMPLETING
PERSONAL, AND ALSO LEGAL RESPONSIBILITIES. WE CAN'T SEEM TO UNDERSTAND HOW
SOMETHING SO SIGNIFICANT, AS AN INSTRUMENT TO ASSIST PRACTICALLY ANYONE
WITH CREATIVE SERVICE, HAVE GONE UNNOTICED FOR THE PERIOD OF TIME IT HAS PROGRESSE
NAME OF STAFF OR DETAINEE(S) HAVING INFORMATION REGARDING THIS COMPLAINT:

ACTION THAT YOU ARE REQUESTING:

"DETAINEES ARE REQUESTING IMMEDIATE ACTION IN THIS MATTER."DETAINEE SIGNATURE: Group Signatures

C.R.W.'S SIGNATURE: _____

DATE C.R.W. RECEIVED: _____

Please note: Decisions of the "Detainee Disciplinary Hearing Board" cannot be grieved or appealed through the use of a grievance form.
 All appeals must be made in writing and directly submitted to the Superintendent.

Facility: COOK COUNTY JAIL

Shipped: 06/11/2008 10:23

Order#: 1948050

Loc: DIV 10

BL/BU 01

T/D A

C/B 23

Name: HARRISON, BOBBIE

Number: 20040072892

C-1

20 Items

QTY	PLU	Item	Sub	Tax	R	QTY	PLU	Item	Sub	Tax	R
1	8005	ATMIC FIRE BALLS	0.97	0.00							
2	1031	SOAP - JERGENS	1.80	0.00							
1	8001	BTRSCCH BUTTONS	0.97	0.00							
10	9011	PB COOKIE	6.00	0.00							
3	3050	CHIPS - REG	2.34	0.00							
1	7004	OATMEAL SANDWICH	1.65	0.00							
0	1026	CRM SHAVE DEPIL	0.00	0.00	N						
0	6003	PEN-PLSTC	0.00	0.00	R						
1	3063	BACONETTES	0.78	0.00							
1	7003	PEANUT BTR BARS	1.65	0.00							

20 Items Total

Partial Order Key:

(R)-Restricted Item (N)-Inmate Out of Funds

Subtotal: \$ 16.16

Tax: \$ 0.00

Total: \$ 16.16

Balance: \$ 0.12

INMATE COPY

Facility: COOK COUNTY JAIL

Shipped: 06/04/2008 10:47

Order#: 1941414

Loc: DIV 10

BL/BU 01

T/D A

C/B 23

Name: HARRISON, BOBBIE

Number: 20040072892

C-2

43 Items

QTY	PLU	Item	Sub	Tax	R	QTY	PLU	Item	Sub	Tax	R
1	8002	JOLLY RNCHR-ASST	0.97	0.00							
1	9201	STAMPS	4.10	0.00							
1	6015	DETERGENT	0.60	0.00							
1	8005	ATMIC FIRE BALLS	0.97	0.00							
2	1031	SOAP - JERGENS	1.80	0.00							
2	8008	BABY RUTH	1.60	0.00							
1	1019	BABY POWDER	1.70	0.00							
2	7009	HONEY BUNS	2.00	0.00							
2	8001	BTRSCTCH BUTTONS	1.94	0.00							
1	1051	SHOWER CAP	0.27	0.00							
3	3050	CHIPS - REG	2.34	0.00							
2	7004	OATMEAL SANDWICH	3.30	0.00							
1	5005	SUGAR SUBSTITUTE	0.17	0.00							
1	5010	ORANGE BKFST DR	1.40	0.00							
1	7120	STRAWBRY JELLY	2.20	0.00							
0	6002	PEN-PISTC	0.00	0.00	R						
1	1034	MOUTHWSH-MINT	1.50	0.00							
1	3063	BACONETTES	0.78	0.00							
2	7003	PEANUT BTR BARS	3.30	0.00							
4	5003	SUGAR	1.60	0.00							
1	5001	COFFEE - DECAF	2.75	0.00							
3	3060	CHEETOS - HOT	2.34	0.00							
4	7118	PNUT BTR-SINGLE	1.72	0.00							
1	5019	TEA	2.50	0.00							
4	3021	SUNFLOWER KERNALS	2.40	0.00							

43 Items Total

Partial Order Key:

(R)-Restricted Item

Subtotal: \$ 44.25

Tax: \$ 0.00

Total: \$ 44.25

Balance: \$ 25.76

INMATE COPY

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT, ILLINOIS

Bobby Lee Harrison)
Plaintiff)
v.)
County of Cook, Illinois, et al.)
Defendants)

Case No : 08C 0920

The Honorable Judge Matthew F. Kennelly

PROOF/CERTIFICATE OF SERVICE

To: United States District Court
Office : U.S. Dist. Court Clerk
219 S. Dearborn Street
Chicago IL. 60604

To: Cook County States Attorney
500 Richard J. Daley Center
Chicago IL. 60602

I, Bobby Lee Harrison, swear under penalty of perjury that I served a copy of the
attached document on : U.S. District Court Clerk and Assistant States Attorney

_____. By placing it in the mail at the Cook County
Jail/Corrections on ^{21th} July 20, 2008.

Bobby Lee Harrison

Signature Of Plaintiff

Bobby Lee Harrison
P.O. Box 089002
Cook County Corrections
Chicago IL. 60608

Notarized Under and by 735 ILCS
5/1-109 under penalty of perjury
this ^{21th} July day of 2008

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Matthew F. Kennelly	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 0920	DATE	June 17, 2008
CASE TITLE	Bobby Lee Harrison (#2004-0072892) vs. County of Cook, Illinois, et al.		

DOCKET ENTRY TEXT:

Plaintiff's motion for leave to proceed *in forma pauperis* [#3] is granted. The Court authorizes and orders Cook County Jail officials to deduct \$4.33 from Plaintiff's account, and to continue making monthly deductions in accordance with this order. The Clerk shall send a copy of this order to Elizabeth Hudson, Supervisor of Inmate Trust Fund Accounts, Cook County Dept. of Corrections Administrative Office, Division V, 2700 S. California, Chicago, Illinois 60608. However, summonses shall not issue at this time. The complaint on file is dismissed without prejudice. Plaintiff is granted thirty days to submit an amended complaint (plus a judge's copy and service copies). The Clerk is directed to provide Plaintiff with an amended civil rights complaint form and instructions. Failure to submit an amended complaint within thirty days of the date of this order will result in summary dismissal of this case in its entirety. Plaintiff's motion for appointment of counsel [#4] is denied at this time.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff, an inmate in the custody of the Cook County Department of Corrections, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that Defendants, Cook County and jail officials, have violated Plaintiff's constitutional rights by subjecting him to inhumane conditions of confinement. More specifically, Plaintiff alleges illegal lockdowns, inadequate heating and ventilation, improper lighting, pest infestation, an unsanitary environment, incessant noise, inconsistent distribution of prescribed medications, a lack of hot water, denial of laundry services, exposure to second-hand smoke, and insufficient outdoor exercise, among other living conditions at the jail he finds intolerable.

Plaintiff's motion for leave to proceed *in forma pauperis* is granted. Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff is assessed an initial partial filing fee of \$4.33. The supervisor of inmate trust accounts at the Cook County Jail is authorized and ordered to collect, when funds exist, the partial filing fee from Plaintiff's trust fund account and pay it directly to the Clerk of Court. After payment of the initial partial filing fee, the trust fund officer at Plaintiff's place of confinement is directed to collect monthly payments from Plaintiff's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments

(CONTINUED)

mjm

STATEMENT (continued)

collected from Plaintiff's trust fund account shall be forwarded to the Clerk of Court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Plaintiff's name and the case number assigned to this action. The Cook County inmate trust account office shall notify transferee authorities of any outstanding balance in the event Plaintiff is transferred from the jail to another correctional facility.

However, Plaintiff must submit an amended complaint, as the document on file does not satisfy basic pleading requirements. Rule 8 of the Federal Rules of Civil Procedure requires "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Plaintiff's rambling, single-spaced, 25-page complaint is far too prolix to meet the "short and plain" requirement.

Plaintiff is granted thirty days in which to submit an amended complaint. The amended complaint need not and should not list every aspect Plaintiff does not like about jail; rather, the amended complaint should limit itself to alleged violations of Plaintiff's constitutional rights.

In addition, the amended complaint must set forth only deprivations that Plaintiff has himself personally experienced. Alleged wrongs against other detainees that Plaintiff may have witnessed or heard about are irrelevant to this case. Plaintiff, an incarcerated non-lawyer, may not represent fellow detainees. *See, e.g., Lewis v. Lenc-Smith Mfr. Co.*, 784 F.2d 829, 830 (7th Cir. 1986) (per curiam).

It also appears that Plaintiff has misjoined claims regarding two different jail divisions. Although Plaintiff seems to be challenging the totality of the conditions of his confinement at the jail, his diffuse allegations about two different cellhouses would presumably implicate largely distinct groups of Defendants. Plaintiff must therefore file separate actions relating to his treatment in different jailhouses. *See* Fed. R. Civ. P. 18(a) and 20(a); *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007).

For the foregoing reasons, Plaintiff is granted thirty days in which to submit an amended complaint that is limited to: (1) matters of constitutional magnitude; (2) Plaintiff's own, personal claims and not those of other inmates; and (3) incidents that involve a core nucleus of facts in connection with a single jail division. Plaintiff must write both the case number and the judge's name on the amended complaint, sign it, and return it to the Prisoner Correspondent. As with every document filed with the Court, Plaintiff must provide an extra copy for the judge; he must also submit a sufficient number of copies for service on each Defendant named in the amended complaint. If Plaintiff cannot fit his claims into the space provided on the Court's amended complaint form, he must file a motion for leave to incorporate additional pages explaining why additional pages are necessary.

Plaintiff is cautioned that an amended pleading supersedes the original complaint and must stand complete on its own. Therefore, all allegations must be set forth in the amended complaint, without reference to the original complaint. Any exhibits Plaintiff wants the Court to consider in its threshold review of the amended complaint must be attached, and each copy of the amended complaint must include complete copies of any and all exhibits.

(CONTINUED)

STATEMENT

The Clerk will provide Plaintiff with an amended complaint form and instructions. If Plaintiff fails to comply within thirty days, the case will be summarily dismissed on the understanding that Plaintiff does not wish to pursue his claims in federal court at this time.

Plaintiff's motion for appointment of counsel is denied. Civil litigants do not have a constitutional or statutory right to counsel. See *Johnson v. Doughty*, 433 F.3d 1001, 1006 (7th Cir. 2006). Nevertheless, a district court may, in its discretion, "request an attorney to represent any person unable to afford counsel." *Gil v. Reed*, 381 F.3d 649, 656 (7th Cir. 2004), citing 28 U.S.C. § 1915(e)(1); *Luttrell v. Nickel*, 129 F.3d 933, 936 (7th Cir. 1997). In deciding whether to appoint counsel, the Court must "first determine if the indigent has made reasonable efforts to retain counsel and was unsuccessful or that the indigent was effectively precluded from making such efforts." *Gil*, 381 F.3d at 656, quoting *Jackson v. County of McLean*, 953 F.2d 1070, 1072 (7th Cir. 1992). If so, the Court must consider: (1) whether, given the degree of difficulty of the case, Plaintiff appears competent to try it himself; and (2) whether the assistance of counsel would provide a substantial benefit to the Court or the parties, potentially affecting the outcome of the case. *Pruitt v. Mote*, 503 F.3d 647, 654 (7th Cir. 2007); *Gil*, 381 F.3d at 656; see also Local Rule 83.36(c) (N.D. Ill.) (listing the factors to be considered in determining whether to appoint counsel).

After considering the above factors, the Court concludes that appointment of counsel is not warranted in this case. First, Plaintiff has failed to show either that he has made reasonable efforts to retain private counsel or that he has been effectively precluded from making such efforts. See *Gil v. Reed*, 381 F.3d 649, 656 (7th Cir. 2004), citing *Jackson v. County of McLean*, 953 F.2d 1070, 1072-73 (7th Cir. 1992). In any event, Plaintiff has alleged no physical or mental disability that might preclude him from adequately investigating the facts giving rise to his complaint. Neither the legal issues raised in the complaint nor the evidence that might support Plaintiff's claims are so complex or intricate that a trained attorney is necessary. Plaintiff, a frequent litigator, appears more than capable of presenting his case. It should additionally be noted that the Court grants *pro se* litigants wide latitude in the handling of their lawsuits. Therefore, Plaintiff's motions for appointment of counsel are denied at this time. Should the case proceed to a point that assistance of counsel is appropriate, the Court may revisit this request.

Finally, Plaintiff's motion for class certification is denied at this time. Under Rule 23 of the Federal Rules of Civil Procedure, a plaintiff must demonstrate that: (1) the class is so numerous that joinder of all members is impracticable; (2) there are questions of law and fact common to the class; (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and (4) the representative parties will fairly and adequately protect the interests of the class. The burden is on the party seeking class certification to establish each of these elements. See, e.g., *Williams v. Chartwell Fin. Servs., Ltd.*, 204 F.3d 748, 760 (7th Cir. 2000).

At this stage of the proceedings, without a clearer understanding of Plaintiff's basic claims, the Court cannot determine whether class certification is appropriate, or whether Plaintiff's claims are encompassed by *Duran v. Brown*, Case No. 74 C 2949 (N.D. Ill.), a class action by pretrial detainees at the Cook County Jail already pending before Judge Kendall of this district.

(CONTINUED)